

Fiscal Estimate - 2015 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 15-0886/1	Introduction Number SB-299
Description Lethal violence protective temporary restraining orders and injunctions and providing a criminal penalty	
Fiscal Effect State: <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations</div><div><input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues</div><div><input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs</div></div> Local: <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div><div>5. Types of Local Government Units Affected <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts</div><div><input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts</div><div><input type="checkbox"/> Cities</div></div></div></div>	

Fiscal Estimate Narratives

DOC 10/15/2015

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Description					
Lethal violence protective temporary restraining orders and injunctions and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person is prohibited from possessing a firearm, and must surrender any firearm he or she possesses, if he or she is subject to a domestic abuse injunction, a child abuse injunction, or, in certain cases, a harassment or an individuals-at-risk injunction. A person who is prohibited from possessing a firearm under such an injunction is guilty of a Class G felony if he or she violates the prohibition.

This bill creates a lethal violence protective temporary restraining order (TRO) and a lethal violence protective injunction. A person who possesses a firearm while subject to a lethal violence protective TRO or injunction is guilty of a Class G felony. In addition, a person who files a petition for a lethal violence protective TRO or injunction knowing the information in the petition to be false or with the intent to harass is subject to a fine of up to \$10,000 or imprisonment for up to nine months, or both.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many individuals will be subject to the bill's new criminal penalty provisions. The precise cost of this legislation will ultimately depend on the number of offenders and the sentencing practices of judges.

While it is not possible to estimate the number of individuals that will be convicted of these crimes, any increase in the prison population, either through new admissions or longer sentences, would have a financial impact on the DOC. The average FY14 annual cost for an inmate in a DOC institution is approximately \$32,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care, and clothing) of housing a small number of inmates is approximately \$5,700 based on FY14 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

If there is a large increase in the number of offenders convicted of these crimes and placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

The local fiscal impact of the bill cannot be estimated because the DOC is unable to predict the number of people that will be convicted of these crimes and the sentencing practices of judges. Costs at the local level may increase if offenders are placed in jail rather than prison. The average FY14 annual cost to jail an inmate is \$18,800.

Long-Range Fiscal Implications